

Preliminary Amendment

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Applicant(s): Michael S. KINCH et al.

Serial No.: 09/640,952

Filed: August 17, 2000

For: EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER (As Amended)

At page 6, line 5, delete "chromogens" and insert therefor ~~chromogenic~~.

At page 13, line 1, please delete "ANTIBODIES AS A CANCER DIAGNOSTIC" and insert therefor ~~EPHA2 AS A DIAGNOSTIC TARGET FOR METASTATIC CANCER~~.

REMARKS

Claims 14 and 16 having been amended and claims 28-89 having been added, the claims pending to the above-identified application are claims 1-89.

The title is changed to better describe the claimed invention. Support for the amendment to the specification to recite "bind" in place of "bond" at page 1, line 12, is found at, for example, page 2, lines 16-17. Support for the amendment at page 1, line 12, to delete "intracellular" is found at, for example, page 2, lines 23-25. The other amendments to the specification are to correct typographical errors.

The amendment to claim 14 reciting injection of proteins "proximal to" lymph nodes, and the amendment to claim 16 reciting that the injected proteins "comprise" EphA2 are supported, for example, by the specification at page 3, lines 26-31.

New claims 28, 29, 47 and 48 are supported by claim 1 as originally filed and by the specification at, for example, page 4, lines 13-29 and page 7, lines 21-29. The recitation of metastatic or potentially metastatic cells in these claims and in claims 38, 40, 61, and 63 are supported by the specification at, for example, page 7, lines 21-29. Claims 30 and 49, reciting an antibody that binds to an intracellular epitope of EphA2, are supported at, for example, page 4, lines 21-22 of the specification. The recitation of an antibody produced by hybridoma cell line D7 in claims 31, 50, 77 and 81 is supported by the specification at, for example, page 7, lines 21-29. Claims 54 and 81, reciting an antibody produced by hybridoma cell line B2D6, are supported by the specification at, for example, page 4, lines 10-11. Claims 32, 33, 55 and 56, reciting an antibody comprising a detectable label, are supported by the specification at, for example, page 5, line 31 bridging to page 6, line 31. Claims 34-37, 39, 40, 57-60, 62 and 63, reciting various cell types, are supported by the specification at, for example, page 4, line 31,

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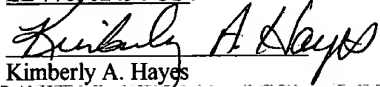
bridging to page 5, line 7. Recitations of tissue biopsy and body fluids in claims 41-44 and 64-67 are supported by the specification at, for example, page 4, line 30 bridging to page 5, line 7. Claims 45 and 68 are supported at, for example, page 4, lines 17-24 of the specification. Claims 46 and 69, reciting the use of a second antibody, are supported at, for example, page 5, lines 8-18 of the specification. Claims 51-53 are supported by the specification at, for example, page 4, lines 26-29.

Claim 70 is supported by the specification at, for example, page 2, lines 28-30 and page 5, lines 28-30. Claims 72-74 and 78 are supported by the specification at, for example, page 9, lines 1-3; and claims 73-74 and 78 are further supported by the specification at page 7, line 21 bridging to page 8, line 2. Claims 75, 76, 79 and 80 are supported by the specification at, for example, page 2, lines 21-28. Claims 82-88, directed to hybridoma cell lines and antibodies, are supported by the specification at, for example, page 3, lines 24-25 and page 4, lines 6-12. Claim 89, reciting a Bcl-2-overexpressing myeloma cell, is supported by the specification at, for example, page 3, line 32.

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if it is believed that the prosecution of the above-identified application can be in any way assisted or expedited thereby.

CERTIFICATE UNDER 37 C.F.R. 1.10:

Pursuant to 37 C.F.R. 1.10, I verify that this application is being deposited on this 12th day of February 2001 with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231. "Express Mail" mailing label number: EL 776902494 US.

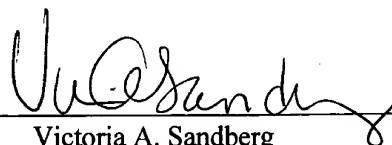

Kimberly A. Hayes

Date

VAS/kah

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